

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Alfred Berchielli :

APPLICATION NO.: 10/828,419 : Examiner: Ahmed, Hasan Syed

FILING DATE: April 20, 2004 : Group Art Unit: 1615

TITLE: PHARMACEUTICAL COMPOSITIONS OF :  
ATORVASTATIN

Hon. Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT AND RESPONSE

Dear Sir:

This RCE is being filed in response to an advisory action issued by the USPTO on February 4, 2008. The USPTO did not enter the amendment because it "raised new issues" requiring further consideration. Prior to issuing another substantive communication, the undersigned would request that the USPTO consider the remarks.

Claims 1, 4, 8 and 9-12 are pending in the present application, claims 2, 3, 5, 7 and 13-17 have been cancelled, claims 18-30 have been cancelled and claims 31-38 are new.

**Amendments to the claims** begin on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.